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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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Attorneys for Defendants
VELOCITY EXPRESS LEASING, INC.; AND
VELOCITY EXPRESS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PHILIP JONES, and KIM KEO,
individually and on behalf of others
similarly situated, and on behalf of the
California general public,

Plaintiff,

v.

VELOCITY EXPRESS LEASING,
INC., also known as VELOCITY
EXPRESS LEASING WEST COAST,
INC., a Delaware Corporation;
VELOCITY EXPRESS, INC., a
Delaware Corporation; and DOES I
through 100, Inclusive,

Defendants.

Case No.

C08-00773 VRW

DECLARATION OF BRIAN
SAVAGE IN SUPPORT OF
DEFENDANTS' REMOVAL OF
ACTION TO FEDERAL COURT

[28 U.S.C. §§ 1332(d)(4), 1441(a), and
1446]

Complaint Filed: November 6, 2007
(Alameda County Superior Court)

LITTLER MENDELSON
A PROFESSIONAL CORPORATION
650 California Street
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San Francisco, CA 94108.2693
415.433.1940

DECLARATION OF BRIAN
SAVAGE ISO REMOVAL

1 I, BRIAN SAVAGE, do hereby declare and state as follows:

2 1. I am a Network Vice President for Defendant Velocity Express,
3 Inc. I make this declaration in support of Defendants' Notice of Removal of Action
4 to Federal Court pursuant to 28 U.S.C. §§ 1332(d), 1441(a), and 1446. All of the
5 information contained herein is based upon my personal and first hand knowledge,
6 unless otherwise indicated, and if called and sworn as a witness, I could and would
7 competently testify thereto.

8 2. In my capacity as Network Vice President, I am readily familiar
9 with Defendants' joint business operations and have access to information concerning
10 the nature of and level of services performed by independent contractor couriers
11 ("contractors") who perform delivery services arranged by Defendants. In my
12 capacity as Network Vice President, I am also readily familiar with the amount of
13 revenue Defendants pay to contractors for performing the delivery services arranged
14 by Defendants.

15 3. The number of hours contractors spend per week performing
16 delivery services arranged by Defendants varies greatly from week to week and from
17 contractor to contractor. In general, however, contractors spend between 35 and 55
18 hours per week performing delivery services arranged by Defendants.

19 4. The amount of revenue Defendants pay to contractors for
20 performing the delivery services arranged by Defendants also varies greatly from
21 week to week and contractor to contractor. However, most contractors are paid
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**DECLARATION OF BRIAN
SAVAGE ISO REMOVAL**

1.

1 revenue ranging between approximately \$900.00 and \$1,500.00 per week for
2 performing delivery services arranged by Defendants.

3 I declare under penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct.

5 Dated this 1st day of February 2008 in Carlsbad, California

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8 BRIAN SAVAGE
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